The Examiner has deemed that the reply by applicant of 4/16/01 was not fully responsive to the prior Office Action due to various omissions or matters. All the previous claims in which there were rejections had been cancelled and Claims 34-38 have added.

In regard to 35 U.S.C. 112, applicant submits Claims 34-38 are clear and definite and supported by the originally filed disclosure. One skilled in the art would clearly understand the steps outlined in Claim 34, and subsequent Claims 35-38.

In regard to the rejection under 35 U.S.C. 101, applicant does not find any such rejection. If the Examiner is referring to the double patenting rejections, if the Examiner deems it appropriate for the newly added claims to have a terminal disclaimer to obviate the double patenting rejection, applicant will be glad to provide the same.

In regard to the rejections under 35 U.S.C. 102, neither Weiss nor Schwartz teach or suggest the limitations of "amplifying a short tandem repeat polymorphism of the material to produce a signal; analyzing the signal and producing an allele of the polymorphism in regard to the signal."

Weiss teaches an automated hybridization/imaging device for fluorescent multiplexing DNA sequencing. Weiss teaches mounting a membrane containing size

fractionated multiplex sequencing reaction products. Multiplexed reaction products are hybridized with a probe, then an enzyme is bound to a binding moiety of the probe, and a fluorogenic substrate is introduced into the chamber device by the fluid delivery apparatus. The enzyme converts the substrate into a fluorescent product which excites fluorescence of a fluorescent product to produce a pattern of hybridization. This has nothing to do with producing an allele of the polymorphism in regard to the signal.

Referring to Schwartz, there is taught a PCR-linkage and carrier detection protocol for families of muscular dystrophy. Schwartz teaches when a deletion is found in a patient by standard multiplex PCR, fluorescent label primers specific for the deleted and non deleted exons are used to amplify the DNA of at-risk relatives by using multiplexed PCR at low cycle number. The products are then quantitatively analyzed on an automatic sequencer to determine whether they are heterozygous for the deletion and thus are carriers. This has nothing to do with producing an allele of the polymorphism in regard to the signal as found in applicant's claimed invention.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 34-38, now in this application be allowed.

Respectfully submitted,

MARK W. PERLIN

By _____
Ansel M. Schwartz, Esquire
Reg. No. 30,587
One Sterling Plaza
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
(412) 621-9222

Attorney for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231
on 8/24/01

Ansel M. Schwartz
Registration No. 30,587

8/24/01
Date